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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,440	06/20/2001	David Wallman	SUNIP835/P6074	5754

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EXAMINER

KHATRI, ANIL

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,440

Applicant(s)

WALLMAN ET AL.

Examiner

Anil Khatri

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Object Based Customization of Java Runtime Environments".

This application filed under former 37 CFR 1.62 lacks the necessary reference to the related application. A statement reading "This is a *** of Application No. ***, filed ***." should be entered following the title of the invention or as the first sentence of the specification. Also, the current status of the parent nonprovisional application(s) should be included.

Patent application number is missing. See page 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by *Johnson et al* USPN 6,330,709.

Regarding claims 1, 11 and 16

Johnson et al teaches,

- marking one or more Java bytecodes associated with a Java class file (figures 3, column 6, lines 24-27, "Java currently... are significant"),
- generating at least one attribute for one or more marked Java bytecodes (column 13, lines 59-67, "factory class can create... container object"); and
- loading at least one feature of Java runtime into virtual machine based on said at least one attribute (column 6, lines 1-9, "compiled into bytecodes.... Run time environment").

Regarding claims 2 and 17

Johnson et al teaches,

- loading operates to load a feature only if said feature has an associated attribute (column 13, lines 48-56, "Class loader object... in the file system").

Regarding claims 3 and 18

Johnson et al teaches,

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- marking is performed by a Java compiler extension (figures 1-3).

Regarding claims 4, 13 and 19

Johnson et al teaches,

- marking is performed by a software tool suitable for analyzing runtime performance of said Java application in the runtime environment (column 3, lines 1-19, “the SLS model is very efficient... multiple processes”).

Regarding claim 5

Johnson et al teaches,

- one or more marked Java bytecodes are associated with a Java method (column 5, lines 56-65”).

Regarding claims 6 and 20

Johnson et al teaches,

- one or more marked Java bytecodes is associated with a Java object that has an attribute that is of interest (column 10, lines 24-57, “Java objects in a Encapsulates object”).

Regarding claims 7 and 21

Johnson et al teaches,

- attribute is the life span, size, or class of said Java object (column 10, lines 24-57, “Java objects in a Encapsulates object” and column 11, lines 35-51, “the cohort data structure... file systems”).

Regarding claim 8

Johnson et al teaches,

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- generating of said at least one attribute is performed by a software module that operates to generate at least one attribute in an attributes table of said class file as the last attribute (column 11, lines 53-67, "generate a key number... then be returned", column 14, lines 52-55, "java object.. persistent object").

Regarding claim 9

Johnson et al teaches,

- generated at least one attribute in said class file (column 17, lines 43-51, object can be created... located in SAS").

Regarding claim 10

Johnson et al teaches,

- reading is performed by a software module which also operates to load said at least one feature of Java runtime into a virtual machine (column 18, lines 45-63, "a static variable defined... variable among JVM").

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 6658573

USPN 6209018

USPN 6721740

USPN 6581077

USPN 6704746

USPN 6237135


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USPN 6742109

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 703-305-0282. The examiner can normally be reached on M-F 8:30-5:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANIL KHATRI
PRIMARY EXAMINER